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Date. 17 Jan
Item No. 3
Ref. No. _____

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SURVEILLANCE

BY JOHN CHADWICK

WASHINGTON (AP) -- A FORMER GENERAL COUNSEL OF THE CIA TESTIFIED TODAY AGAINST LEGISLATION THAT WOULD REQUIRE THE GOVERNMENT TO OBTAIN A COURT WARRANT BEFORE WIRETAPPING A FOREIGN EMBASSY IN THE UNITED STATES.

"INVOLVING THE COURTS IN THIS PROCESS CARRIES SUBSTANTIAL RISKS OF COMPROMISE OF HIGHLY SENSITIVE INTELLIGENCE SOURCES AND METHODS," SAID JOHN S. WARNER, NOW LEGAL ADVISER TO THE ASSOCIATION OF FORMER INTELLIGENCE OFFICERS.

HE TOLD THE HOUSE INTELLIGENCE SUBCOMMITTEE ON LEGISLATION, HOWEVER, THAT HE FAVORS A REQUIREMENT FOR WARRANTS WHEN U.S. CITIZENS ARE TARGETED FOR WIRETAPPING OR OTHER ELECTRONIC SURVEILLANCE IN THIS COUNTRY FOR FOREIGN INTELLIGENCE GATHERING.

THE SUBCOMMITTEE IS CONSIDERING A CARTER ADMINISTRATION BILL UNDER WHICH SUCH ELECTRONIC FOREIGN INTELLIGENCE SURVEILLANCE IN THIS COUNTRY, BUT NOT OVERSEAS, COULD BE CARRIED ON ONLY AFTER A JUDICIAL WARRANT WAS OBTAINED.

WARNER SAID HIS ORGANIZATION BASICALLY SUPPORTS THE MEASURE, AS DID ROBERT SHEEHAN OF THE NEW YORK CITY BAR ASSOCIATION, GEORGE WASHINGTON UNIVERSITY LAW PROFESSOR ARTHUR S. MILLER, AND MORTON HALPERIN, A CRITIC OF GOVERNMENT SPYING.

ALL OF THE WITNESSES, HOWEVER, PROPOSED VARIOUS MODIFICATIONS AND REFINEMENTS. EXCEPT FOR WARNER, THEIR PROPOSALS WERE AIMED AT FURTHER TIGHTENING OF THE BILL'S RESTRICTIONS ON ELECTRONIC SURVEILLANCE.

WARNER'S CHIEF RECOMMENDATION WAS THE ELIMINATION OF THE REQUIREMENT FOR A JUDICIAL WARRANT "TO OBTAIN FOREIGN INTELLIGENCE BY ELECTRONIC SURVEILLANCE OF FOREIGN GOVERNMENTS OR FOREIGN ENTITIES THAT ARE DIRECTED BY FOREIGN INTELLIGENCE SERVICES."

"SUCH A REQUIREMENT MEETS NO DEMONSTRATED NEED -- TO MY KNOWLEDGE THERE HAVE BEEN NO FINDINGS OF ABUSE," HE SAID.

REP. ROBERT MCCLORY, R-ILL., THE RANKING MINORITY MEMBER OF THE SUBCOMMITTEE, OBSERVED THAT FOREIGN GOVERNMENTS OR INTELLIGENCE SERVICES WOULD NOT HAVE TO OBTAIN COURT WARRANTS TO EAVESDROP ON AMERICAN CITIZENS.

HE ASKED WHY THIS COUNTRY SHOULD "HAWSTRING" ITS ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE GATHERING WHEN OTHER NATIONS DO NOT.

MCCLORY IS THE SPONSOR OF A SEPARATE BILL THAT WOULD PERMIT FOREIGN INTELLIGENCE ELECTRONIC SURVEILLANCE UPON THE ISSUANCE OF A CERTIFICATE SIGNED BY THE PRESIDENT, THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS, AND THE ATTORNEY GENERAL UNDER STANDARDS SET BY CONGRESS.

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